

No.

200800064



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Basin Seed Company

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN, GARDEN

'Eliminator'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this seventh day of April, in the year two thousand and eight.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

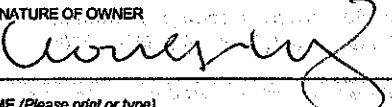
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER Basin Seed Company		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME		3. VARIETY NAME ELIMINATOR	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 10766 LAKE SHORE DR. Nampa, Idaho 83686		5. TELEPHONE (include area code) 208-461-4656		FOR OFFICIAL USE ONLY PVPO NUMBER #200800064	
		6. FAX (include area code) 208-461-4439			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) LLC		8. IF INCORPORATED, GIVE STATE OF INCORPORATION IDAH0		9. DATE OF INCORPORATION 2-11-2003	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) RONALD H. RILEY 10766 LAKE SHORE DR. Nampa, ID 83686				FILING DATE January 9, 2008	
				FILING AND EXAMINATION FEES: \$ 3,052.00 + 780.00 DATE 1/9/08 + 1/14/08 CERTIFICATION FEE: \$ 768.00 DATE 2/5/2008	
11. TELEPHONE (include area code) 208-461-4656		12. FAX (include area code) 208-461-4439		13. E-MAIL ron.riley@basinseed.com	
14. CROP KIND (Common Name) GARDEN BEAN		15. GENUS AND SPECIES NAME OF CROP PHASEOLUS VULGARIS		16. FAMILY NAME (Botanical) PHASEOLACEAE	
17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)			
19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act <input type="checkbox"/> YES (If "yes", answer items 20 and 21 below) <input checked="" type="checkbox"/> NO (If "no", go to item 22)		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED			
21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)		22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)			
23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)		24. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.			
SIGNATURE OF OWNER 		SIGNATURE OF OWNER			
NAME (Please print or type) RONALD H. RILEY		NAME (Please print or type)			
CAPACITY OR TITLE MANAGER/MEMBER		DATE 1-2-2008		CAPACITY OR TITLE 1	

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$3,652 (\$432 filing fee and \$3,220 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvp.htm>

ITEM

- 18a. Give:
- (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 - (2) the details of subsequent stages of selection and multiplication;
 - (3) evidence of uniformity and stability; and
 - (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 18b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 18c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 18d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 18e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
19. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See *Regulations and Rules of Practice*, Section 97.103.)
22. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
23. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

21. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

22. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

FEBRUARY 20, 2007 USA FLORIDA FOR TRIAL

23. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center—East, Beltsville, MD 20705.

Telephone: (301) 504-8089. <http://www.ams.usda.gov/lsg/seed.htm>

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 3.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

ST-470 (02-10-2003) designed by the Plant Variety Protection Office with Word 2000. Replaces former versions of ST-470, which are obsolete.

Exhibit A
Origin and Breeding History
'Eliminator'

The garden bean variety 'Eliminator' is derived from the cross (EWCR-1 x Matador). EWCR-1 is an F6 breeding line from Alpha Seed Company. 'Matador' is a garden bean variety developed by Seminis Seed Company.

The breeding line EWCR-1 was derived from the 4-way cross of (Espada x Wintergreen) x (Champ x Rolong). 'Wintergreen' and 'Rolong' are varieties developed by the government of the Republic of South Africa. 'Espada' was developed by Harris Moran Seed Company. 'Champ' was developed by Rogers Brothers Seed Company.

[(Espada x Wintergreen) x (Champ x Rolong)] x Matador

Pedigree selection of F2 through F12 was the breeding methodology used to develop the variety 'Eliminator'. Selection pressure was applied in all generations for market color, high yield, and attractive general appearance. Two different environments (temperate & subtropical) in South Africa were utilized to select for broad adaptability and for stresses associated with these environments. Approximately 3 generations per year of pedigree selection was possible utilizing both environments.

Final development for uniformity was achieved in Idaho using pedigree selection and mass selection in the F13 through F15 generations. These were conducted in both greenhouse and field.

Three years (generations) of increase from final selection has proved 'Eliminator' to be uniform and stable.

These generations of increase indicate that normal variants of flat pod and string types occur at very low frequency of less than 2%. Flat pod and string variants are known to occur at various frequencies in all garden bean varieties due to spontaneous mutation. Each increase generation was rogued to maintain low levels of these variants.

Exhibit B
Statement of Distinctness
'Eliminator'

'Eliminator' is most similar to the garden bean variety 'Bronco'; however, 'Eliminator' has shorter spur length than 'Bronco' (10.30 mm vs. 13.26 mm, respectively), and lower seed weight (22.14 g/100 seed vs. 24.51 g/100 seed, respectively). See attachments; Figure 1.1, 1.2, 2.1, and 2.2 for ANOVA. The above data are the average of two seasons (2005 & 2006) from Nampa, ID.

The 2005 trial was planted in Nampa, Idaho on June 5, 2005. Data was collected from 100 randomly selected plants in a plot of approximately 400 plants. Spur length was measured at prime pod stage (~ 60 days post planting), and seed weight was measured from seed that was bulk harvested from all plants remaining in each plot on October 5, 2005

The 2006 trial was planted in Nampa, Idaho on June 10, 2006. Data was collected from 100 randomly selected plants in a plot of approximately 400 plants. Spur length was measured at prime pod stage (~ 60 days post planting), and seed weight was measured from seed that was bulk harvested from all plants remaining in each plot on October 21, 2006.

Exhibit B
Statement of Distinctness
Eliminator

Spur Length
2005 Idaho Data

Alpha = 0.01

Anova: Single Factor

SUMMARY

Groups	Count	Sum	Average	Variance
Eliminator	100	1080.23	10.8023	1.198786
Bronco	100	1306.2	13.062	1.087648

ANOVA

Source of Variation	SS	df	MS	F	P-value	F crit
Between Groups	255.3122	1	255.3122	223.3279	2.64E-34	6.764594
Within Groups	226.357	198	1.143217			
Total	481.6692	199				

Range

Eliminator	9.32 mm - 14.22 mm
Bronco	10.00 mm - 14.80 mm

5

Figure 1.1

Exhibit B
Statement of Distinctness
Eliminator

Spur Length
2006 Idaho Data

Alpha = 0.01

Anova: Single Factor

SUMMARY

Groups	Count	Sum	Average	Variance
Eliminator	100	987.31	9.8731	0.874814
Bronco	100	1345.84	13.4584	0.641537

ANOVA

Source of Variation	SS	df	MS	F	P-value	F crit
Between Groups	642.7188	1	642.7188	847.7181	1.76E-73	6.764594
Within Groups	150.1187	198	0.758175			
Total	792.8375	199				

	Range
Eliminator	7.82 - 12.17
Bronco	11.52 - 15.26

6

Figure 1.2

Exhibit B
Statement of Distinctness
Eliminator

#200800064

Seed Weight g/100 Seed
2005 Idaho Data

Alpha = 0.01

Anova: Single Factor

SUMMARY

Groups	Count	Sum	Average	Variance
Eliminator	100	2204.91	22.0491	0.257178
Bronco	100	2443.8	24.438	0.125903

ANOVA

Source of Variation	SS	df	MS	F	P-value	F crit
Between Groups	285.3422	1	285.3422	1489.722	4.44E-94	6.764594
Within Groups	37.92502	198	0.19154			
Total	323.2672	199				

	Range
Eliminator	21.1 - 23.17
Bronco	23.79 - 25.1

7

Figure 2.1

Exhibit B
Statement of Distinctness
Eliminator

#200800064

Seed Weight g/100 Seed
2006 Idaho Data

Alpha = 0.01

Anova: Single Factor

SUMMARY

Groups	Count	Sum	Average	Variance
Eliminator	100	2223.76	22.2376	0.268301
Bronco	100	2458.63	24.5863	0.098894

ANOVA

Source of Variation	SS	df	MS	F	P-value	F crit
Between Groups	275.8196	1	275.8196	1502.304	2.13E-94	6.764594
Within Groups	36.35236	198	0.183598			
Total	312.1719	199				

	Range
Eliminator	21.12 - 23.36
Bronco	24.06 - 25.31

8

Figure 2.2

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Garden Bean (*Phaseolus vulgaris* L.)

NAME OF APPLICANT (S) BASIN SEED COMPANY	TEMPORARY OR EXPERIMENTAL DESIGNATION	VARIETY NAME ELIMINATOR
ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country) 10766 LAKE SHORE DR. NAMPA, ID 83686 USA		FOR OFFICIAL USE ONLY PVPO NUMBER #2008000064

PLEASE READ ALL INSTRUCTIONS CAREFULLY:

Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (e.g., or) when number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties centered in the same trial. Measured data should be for SPACED PLANTS. Ranges should also be given. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: _____

Please answer all questions for your variety; lack of response may delay progress of your application.

1. TYPE:

1 = Garden 2 = Flageolet 3 = Romano

2. MARKET MATURITY:

Days to Edible Pods

Heat Units to Edible Pods

Number of Days Earlier Than

Same As

Number of Days Later Than

Comparison Variety

Comparison Varieties

1 = Tender crop
3 = Gold rush
5 = Gitana
7 = Bush Blue Lake 290
8 = Other (Specify Below)

2 = Kentucky Wonder
4 = Slenderette
6 = Provider

BRONCO

3. PLANT:

cm Spacing Between Plants in a Row

Habit
1 = Determinate
2 = Indeterminate, Erect Stem and Branches
3 = Indeterminate with Weak and Prostrate Stem and Branches
4 = Indeterminate Climbing Habit with Weak, Long, and Twisted Stem and Branches

cm Height

cm Shorter Than

Same Height As

cm Taller Than

Comparison Variety

Use Comparison Varieties from Section 2

3. PLANT: (continued)

30-8 cm Spread

2-2 cm Narrower Than

8

Same Width As

N/A

Comparison Variety

cm Wider Than

N/A

Use Comparison Varieties from Section 2

3 Pod Position: 1 = Low 2 = High 3 = Scattered

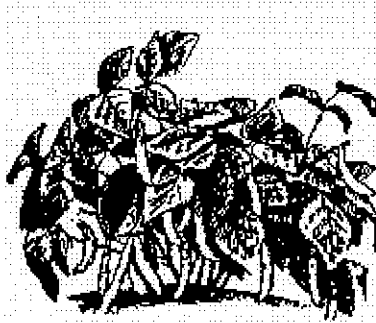
4 Bush Form (Illustrated Below)



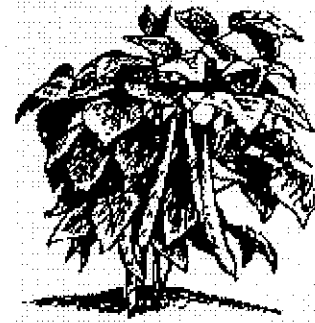
1 = Spherical Bush Form



2 = Stem Bush Form



3 = Wide Bush Form



4 = High Bush Form

5 = Other (Specify) _____

4. LEAVES:

3 Surface: 1 = Dull 2 = Glossy 3 = Indeterminate

1 Size: 1 = Small (Gitana) 2 = Medium 3 = Large (Tender Crop)

3 Color: 1 = Light Green (as Light or Lighter than Gold Rush)
2 = Medium Green
3 = Dark Green (as Dark or Darker than Bush Blue Lake 290)

5. ANTHOCYANIN PIGMENT:

(1 = Absent

2 = Present)

1 Flowers

1

Stems

1

Pods

1

Seeds

1 Leaves

1

Petioles

1

Peduncles

1

Nodes

6. FLOWER COLOR AND DAYS TO BLOOM:

1 Color of Standard

1 Color of Wings

1 Color of Keel

35 Days to 50% Bloom

Flower Color Choices

1 = White 2 = Cream

3 = Pink 4 = Lilac

5 = Purple 6 = Blue

7 = Other (Specify) _____

7. PODS (Edible Maturity):

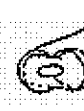
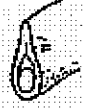
2 Exterior Color: (Fresh)
1 = Light Green (as Light or Lighter than Provider)
2 = Medium Green
3 = Dark Green (as Dark or Darker than Bush Blue Lake 290)
4 = Yellow (Gold Rush)
5 = Green-red Variegated (Horticultural)
6 = Other (Specify) _____

2 Processed Pods (Exterior Color): 1 = Light (Tender Crop) 2 = Dark (Bush Blue Lake 290)

1 Dry Pod Color: 1 = Buckskin (Sprite) 2 = Green, Persistent Chlorophyll (Hystyle)

7. PODS (continued):

3 Cross Section Pod Shape: 1 = Flat 2 = Heart (Pear) 3 = Round 4 = Figure Eight
(Middle of the Pod)



3 Crease Back: 1 = Present 2 = Absent **3 = SLIGHT**

1 Pubescence: 1 = None (Slenderette) 2 = Sparse 3 = Considerable (Provider or Sprite)

2 Constriction (Interocular Cavitation): 1 = None 2 = Slight 3 = Deep

10 3 mm Spur Length

3 Fiber: 1 = None (Bush Blue Lake 290) 2 = Sparse 3 = Considerable (Sprite)

6 Number of Seeds per Pod

2 Suture String: 1 = Present 2 = Absent

1 Seed Development: 1 = Slow (Bush Blue Lake 290) 2 = Medium 3 = Fast (Provider)

1 Machine Harvest: 1 = Adapted 2 = Not Adapted

Percent sieve size distribution at optimum maturity for not-flat pods

4.76 to 5.76mm	5.76 to 7.34mm	7.34 to 8.34mm	8.34 to 9.53mm	9.53 to 10.72 mm	>10.72mm
%	3 %	20 %	75 %	2 %	%
3 Sieve	12 2 cm Length	7.8 mm width	7.7 mm width	7.7 Total mm Thickness	
4 Sieve	13 8 cm Length	9.0 mm width	8.9 mm width	8.9 Total mm Thickness	
5 Sieve	14 4 cm Length	10 mm width	9.9 mm width	9.9 Total mm Thickness	
6 Sieve	cm Length	mm width	mm width	Total mm Thickness	

8. SEED COLOR:

1 Seed Coat Luster: 1 = Shiny 2 = Dull 3 = Semi-Shiny 4 = Variable

1 Seed Coat: 1 = Monochrome 2 = Polychrome

01 Primary Color: 1 = White 2 = Yellow 3 = Buff 4 = Tan 5 = Brown 6 = Pink 7 = Red 8 = Purple
9 = Blue 10 = Black 11 = Other

NA Secondary Color: 1 = White 2 = Yellow 3 = Buff 4 = Tan 5 = Brown 6 = Pink 7 = Red 8 = Purple
9 = Blue 10 = Black 11 = Other

1 Seed Coat Pattern: 1 = Solid 1 = Splashed 3 = Mottled 4 = Striped 5 = Flecked 6 = Dotted

2 Hilum Ring: 1 = Absent 2 = Present

01 Hilum Ring Color: 1 = White 2 = Yellow 3 = Buff 4 = Tan 5 = Brown 6 = Pink 7 = Red 8 = Purple
9 = Blue 10 = Black 11 = Other

9. SEED SHAPE AND SIZE:

1 Hilum View:



1 = Elliptical



2 = Oval



3 = Round

2 Cross Section: 1 = Elliptical 2 = Oval 3 = Cordate 4 = Round

9. SEED SHAPE AND SIZE: (continued)

1

Side View:



1 = Oval to Oblong



2 = Round



3 = Reniform

22.1

gm/100 Seeds

2.37

gm/100 Seeds Lighter Than

gm/100 Seeds Same As

gm/100 Seeds Heavier Than

B

N/A

N/A

Comparison Variety

10. DISEASE RESISTANCE: 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Intermediate 4 = Tolerant

0

Anthracnose (*Colletotrichum lindemuthianum*)☐

Race Alpha

☐

Race Beta

☐

Race Gamma

☐

Race Delta

☐

Race Epsilon

☐

Race Lambda

☐

Race Kappa

☐

Specify Race _____

0

Bean Rust (*Uromyces appendiculatus*)☐

Race 38

☐

Race 39

☐

Race 40

☐

Race 44

☐

Race 45

☐

Race 46

☐

Race 49

☐

Race 50

☐

Race 51

☐

Race 52

☐

Race 54

☐

Race 56

☐

Race 59

☐

Specify Race _____

0

Powdery Mildew (*Erysiphe polygoni*)

0

Fusarium Root Rot (*Fusarium solani* f. sp. *phaseoli*)

0

Pythium Root Rot (*Pythium* spp.)

0

Aphanomyces Root Rot (*Aphanomyces euteiches*)

0

Rhizoctonia Root Rot (*Rhizoctonia solani*)

0

Pythium Blight or Aerial Pythium (*Pythium ultimum*)

0

Angular Leaf Spot (*Isariopsis griseola*)

0

Bacterial Wilt (*Corynebacterium flaccumfaciens* subsp. *flaccumfaciens*)

4

Bacterial Brown Spot (*Pseudomonas syringae* pv. *syringae*)

FIELD OBSERVATION

0

Common Bacterial Blight (*Xanthomonas campestris* pv. *phaseoli*)

0

Halo Blight (*Pseudomonas syringae* pv. *phaseolicola*)☐

Race 1

☐

Race 2

0

Clover Yellow Vein Virus (CYVV)

Bean Common Mosaic Virus (BCMV)

☐

BV1

☐

NY15

☐

NL2

☐

NL3

☐

NL4

☐

NL8

☐

Florida

☐

Idaho

☐

Mexican

☐

Western

☐

Type

☒

Other (Specify)

DOMINANT I GENE RESISTANCE TO SEED TRANSMISSION

0

Yellow Bean Mosaic Virus (BYMV)

2

Curly Top Virus (BCTV)

FIELD OBSERVATION

0

Other (Specify Disease and Race or Strain _____)

11. INSECT RESISTANCE: 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Intermediate 4 = Tolerant

- | | |
|--|---|
| <input type="checkbox"/> Aphid | <input type="checkbox"/> Root Knot Nematode |
| <input type="checkbox"/> Leafhopper | <input type="checkbox"/> Seed Corn Maggot |
| <input type="checkbox"/> Lygus | <input type="checkbox"/> Thrips |
| <input type="checkbox"/> Pod Borer | <input type="checkbox"/> Weevils |
| <input checked="" type="checkbox"/> Other (Specify) <u>WHITE FLY FIELD OBSERVATION</u> | |

12. PHYSIOLOGICAL RESISTANCE: 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Intermediate 4 = Tolerant

- | | | |
|--|--------------------------------|----------------------------------|
| <input checked="" type="checkbox"/> Heat | <input type="checkbox"/> Cold | <input type="checkbox"/> Drought |
| <input type="checkbox"/> Air Pollution | <input type="checkbox"/> Ozone | |
| <input type="checkbox"/> Other (Specify) _____ | | |

13. COMMENTS:

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) BASIN SEED COMPANY, LLC	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER	3. VARIETY NAME ELIMINATOR
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 10766 LAKE SHORE DR. NAMPA, IDAHO 83686 U.S.A.	5. TELEPHONE (Include area code) 208-461-4656	6. FAX (Include area code) 208-461-4439
7. PVPO NUMBER #200800064		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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**U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705**

**EXHIBIT F
DECLARATION REGARDING DEPOSIT**

NAME OF OWNER (S) Basin Seed Company	ADDRESS (Street and No., or RD No., City, State, and Zip Code and Country) 10766 Lake Shore Dr. Nampa, ID 83686 USA	TEMPORARY OR EXPERIMENTAL DESIGNATION VARIETY NAME Eliminator
NAME OF OWNER REPRESENTATIVE (S) Ronald H. Riley	ADDRESS (Street and No., or RD No., City, State, and Zip Code and Country) 10766 Lake Shore Dr. Nampa, ID 83686 USA	FOR OFFICIAL USE ONLY PVPO NUMBER 200800064

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Signature

Date

1-10-2008

15